


CONSTRUCTION PERMIT NO: GCP-3

*Registration No.
(For NMED use only)*

GENERAL PERMIT CATEGORY: Hot Mix Asphalt Plants

ISSUED BY: New Mexico Environment Department


RALPH GRUEBEL, Director
Environmental Protection Division

4/18/2002
Date of Issuance

Air Quality Permit No. GCP-3 for Hot Mix Asphalt Plants (Permit) is issued by the Air Quality Bureau of the New Mexico Environment Department (Department) under Title 20 Chapter 2 Part 72 of the New Mexico Administrative Code (20.2.72 NMAC) – *Construction Permits*, Section 220 – *General Permits*. The Department issues general permits in order to register groups of sources that have similar operations, processes, and emissions and that are subject to the same or substantially similar requirements. [Paragraph 1 of Subsection A of 20.2.72.220 NMAC] General permits provide an additional permitting option for specific types of sources that can meet the predetermined permit requirements. [Paragraph 1 of Subsection C of 20.2.72.220 NMAC]

This Permit authorizes the owner or operator to construct, modify, and operate a hot mix asphalt plant (plant) in New Mexico (excluding Bernalillo County and Tribal lands) under the conditions set forth herein as long as all conditions of this Permit are always met. If the construction, modification, or operation of any plant does not meet the applicability requirements in Section I of this Permit, or cannot continuously comply with all conditions of this Permit, the owner or operator must apply for and obtain an individual construction permit, pursuant to 20.2.72 NMAC – *Construction Permits*, before beginning the actual construction, modification, or operation of the plant.

If the owner or operator registers for and receives approval to construct under this Permit, he or she will be deemed to have satisfied the State of New Mexico's requirement for obtaining an air quality permit prior to constructing, modifying, or operating a source of air pollutants. However, other federal, state, or local agencies may have additional requirements such as zoning restrictions.

All terms written with initial capital letters are defined in Section VII, *Definitions and Acronyms*, of this Permit. Regulatory authority, if applicable, is cited in brackets.

Please refer to the guidance document for this Permit for details, descriptions, and registration instructions.

Questions regarding eligibility for this Permit can be directed to the Air Quality Bureau of the Environment Department at (505) 827-1494, or visit the New Mexico Environment Department web page at <http://www.nmenv.state.nm.us>.

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Section I. Applicability

I.A. Who can register under this general construction permit?

The owner or operator may apply for registration of a Hot Mix Asphalt (HMA) plant under this Permit if:

1. the plant's primary purpose is to manufacture paving materials by heating and drying aggregate and mixing with asphalt cements;
2. the plant can comply with all of the requirements described in Section III of this Permit;
3. the plant includes any combination of the following Emissions Units used in the production of HMA and no others within the Property Boundary except as allowed in Section I.C.:
 - a. a permanent or portable HMA plant with a Capacity Throughput (as defined in Section VII) less than or equal to 600 TPH,
 - b. dryers,
 - c. burners,
 - d. elevators,
 - e. screens,
 - f. mixers,
 - g. weighing equipment,
 - h. bins,
 - i. lime silos,
 - j. heaters (including tank heaters),
 - k. internal combustion engines,
 - l. systems for screening, handling, storing, and weighing hot aggregate,
 - m. systems for loading, transferring, and storing mineral filler,
 - n. systems for mixing hot mix asphalt, and
 - o. loading, transfer, and storage system(s) associated with emission control systems (air pollution control devices).

The plant may include any combination of stockpiles or haul roads in conjunction with the equipment listed; and

4. the plant is not excluded under Section I.B.

I.B. Excluded Sources

The following plants cannot register for this Permit:

1. a plant not meeting the location restrictions in Paragraph III. D;
2. a plant subject to any federal New Source Performance Standard (NSPS) other than 40 CFR Part 60, Subpart I or Subpart Kb;

3. a plant subject to a National Emissions Standard for Hazardous Air Pollutants (NESHAP) or Maximum Achievable Control Technology (MACT);
4. a plant that operates in conjunction with another plant on the same property, except as allowed in Sections I.C and III.F for co-locations; or
5. a plant that will be operated at night.

I.C. Co-locations: Aggregate Crushers and/or Concrete Batch Plants

The owner or operator of any Facility that can meet all location and emission restrictions and operating conditions in this Permit may co-locate a facility registered under this general construction permit with another aggregate processing facility, hot mix asphalt plant or concrete batch plant in accordance with the requirements of Section III.F of this permit.

I.D. Permitting Alternatives

The owner or operator of a plant subject to 20.2.72 NMAC who does not choose to register or whose plant fails to qualify for this Permit shall apply for a construction permit pursuant to 20.2.72 NMAC – *Construction Permits*.

I.E. Plants with both Construction Permit (Part 72) and General Construction Permit

1. A qualified plant that has a valid construction permit under 20.2.72 NMAC may register for this Permit.
2. The applicant shall, for each location, specify to the Department on either the registration form or relocation notice whether the plant will be constructed and operated under the general construction permit registration for that site or the construction permit for that site, and specify the appropriate permit or registration number.

Section II. Registration Process

II.A. General

1. The applicant shall complete the most current registration form provided by the Department, submit it to the Air Quality Bureau of the Department, and provide a copy to the nearest Department Field Office. [Subparagraph b of Paragraph 2 of Subsection A of 20.2.72.220 NMAC]
2. Construction, operation or relocation of a plant shall not begin until the owner or operator has received written authorization from the Department. The Department shall notify the owner or operator of approval or denial by certified mail. [Subsection E of 20.2.72.200 NMAC and Subparagraph a of Paragraph 6 of Subsection C of 20.2.72.220 NMAC]
3. A plant that is registered under this Permit and operating in compliance with the conditions of this Permit shall be deemed to be a minor source not subject to 20.2.70 NMAC – *Operating Permits*.

II.B. Public Notification

The applicant shall provide notice as described in 20.2.72.220 NMAC.

II.C. Registration Forms

Completed general construction permit registration forms shall include:

1. General Information
 - a. The plant's site name and the contact person's name, address, phone number, and fax number;
 - b. the name of the company and the person(s) that own(s) and operate(s) the plant;
 - c. the date the application was prepared and notarized; and
 - d. the primary four (4) digit Standard Industrial Classification (SIC) code. (For most asphalt plants the SIC code will be 2951.)
2. Proposed Plant Status
 - a. whether the plant has previously been issued air quality permit(s);
 - b. whether the plant is currently constructed and is operating in New Mexico;
 - c. whether the plant currently has an air quality permit;
 - d. whether the application was submitted in response to a Notice of Violation;
 - e. whether the plant is an excluded source as described in Section I.B. of this Permit; and
 - f. the type of material processed by the plant.
3. Proposed Plant Location Information
 - a. the section, range, township, county, and elevation;
 - b. the Universal Transverse Mercator (UTM) horizontal and vertical coordinates or latitude and longitude coordinates for the installation;

- c. the name and zip code of the nearest New Mexico town or tribal community;
 - d. the direction and distance to the nearest town or tribal community;
 - e. direction and distance to the nearest occupied structure from the perimeter of the Area of Operations;
 - f. detailed written driving instructions from the nearest town or tribal community;
 - g. the status of the land (e.g., Private, State, Federal, Tribal); and
 - h. the name, location and distance to any Class I areas within three (3) miles of the perimeter of the Area of Operations.
4. Proposed Operating Schedule
- a. maximum operating hours;
 - b. daily operating schedule (including hours of operation);
 - c. the month and year of the anticipated startup of operation at this site; and
 - d. the month and year of the anticipated completion date at this site.
5. Specific Facility Information
- a. the plant's Capacity Throughput (tons per hour);
 - b. the area restricted to public access;
 - c. the area of disturbed earth;
 - d. the area covered by stockpiles and operations;
 - e. haul road length(s) and dust control measures;
 - f. the current or proposed equipment list with the manufacturer and model number, if known, equipment size or capacity, and the function of each piece of equipment;
 - g. the manufacturer's maximum design input process rate for each piece of equipment; and
 - h. the manufacturer's recommended pressure drop across the baghouse or scrubber. If the manufacturer's recommendations are not available, include a statement that the facility will use the results of a successful compliance test to establish normal operating parameters for the baghouse or scrubber.
6. Other Required Information and Attachments
- a. a process flow sheet and/or block diagram indicating individual equipment, emission points, and type of control applied to those points;
 - b. a plot plan drawn to scale, showing emission points, Area of Operations, structures, tanks, fences, the Restricted Area, and the Property Boundary of the property owned, leased or under direct control of the owner or operator;
 - c. an appropriate map, such as a 7.5 minute United States Geological Survey (USGS) Topographic Quadrangle map, that shows the location of the plant;
 - d. documentation that the applicant has given the public notice described in II.B and a description of the actions taken and when they commenced;
 - e. a description of the methods by which public access is limited in the Restricted Area;
 - f. a preliminary operational plan defining the measures to be taken to mitigate source emissions during plant malfunctions, startup, shutdown, or scheduled maintenance as defined in 20.2.7 NMAC;
 - g. a check or money order for the fees required by 20.2.75 NMAC; and

- h. certification by the plant's owner, operator, or authorized representative before a notary public that all of the information included in the registration form is true and complete to the best of his or her knowledge. [Paragraph 2 of Subsection A of 20.2.72.220 NMAC]

II.D. Fees

Permit and annual fees shall be determined pursuant to 20.2.75 NMAC – *Construction Permit Fees*.

II.E. Modeling

Applicants shall not submit air dispersion modeling for their plant. The Department has completed general air dispersion modeling for affected plants and has used the results to develop the requirements in this Permit.

II.F. Registration Review

Within thirty (30) days of receiving an application to register under this Permit, the Department shall review the application and shall grant or deny the registration. The Department shall notify the owner or operator of its decision by certified mail. The owner or operator of a plant approved for registration will receive a copy of its registration form and this Permit. The Department shall not grant the registration until at least fifteen (15) calendar days after the public notice has commenced as specified in Section II.B. [20.2.72.220 NMAC]

II.G. Reasons the Department May Deny a Registration.

The Department may deny registration under this Permit if:

1. the registration form is not complete;
2. the plant is not a source qualified to register for this Permit; or
3. the plant cannot meet the terms and conditions of the Permit as determined by the review of the registration form. [Paragraph 3 of Subsection C of 20.2.72.220 NMAC]

Section III. Plant Operating Requirements

III.A. NSPS and NMAC Compliance

The owner or operator of a plant registered under this Permit shall comply with any applicable New Source Performance Standards (NSPS) and portions of Title 20 of the New Mexico Administrative Code, Chapter 2, Air Quality.

III.B. Applicable Regulations

1. The Department considers a plant registered under and operating in compliance with this Permit to be in compliance with the New Mexico Air Quality Control Act, NMSA 1978, Sections 74-2-1 to 74-2-22, and the following state regulations as those regulations existed at the date of issuance of this Permit.

- 20.2.3 NMAC – Ambient Air Quality Standards
- 20.2.11 NMAC – Asphalt Process Equipment
- 20.2.61 NMAC – Smoke and Visible Air Emissions
- 20.2.72 NMAC – Construction Permits
- 20.2.73 NMAC – Notice of Intent and Emission Inventory Requirements
- 20.2.75 NMAC – Construction Permit Fees
- 20.2.77 NMAC – New Source Performance Standards

2. A plant registered under this Permit is subject to the following state regulation:

- 20.2.7 NMAC – Excess Emissions During Malfunctions, Startup, Shutdown, or Scheduled Maintenance

3. The Department considers a plant registered under and operating in compliance with this Permit to be in compliance with the federal Clean Air Act (CAA) [42 U.S.C. s/s 7401 et seq. (1970)] and the following NSPS as those NSPS existed on the date of the issuance of this Permit:

Code of Federal Regulations (CFR), Title 40, Part 60:

- Subpart A – General Provisions
- Subpart I – Standards of Performance for Hot Mix Asphalt Facilities
- Subpart Kb – Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced after July 23, 1984

The owner or operator shall be responsible for compliance with updated versions of any applicable state and federal regulations.

III.C. General Terms and Conditions

1. The owner or operator shall operate the registered plant using the equipment described in the registration form. The owner or operator shall maintain and operate this equipment in a manner that meets the conditions of this Permit.

2. The use of two (2) percent hydrated lime is allowed under this Permit provided that the owner or operator meet the requirements under paragraph III.H.4 of this Section.
3. Requirements for fuel sulfur content:
 - a. For the plant, liquid fuel total sulfur content shall be no greater than 0.5 percent by weight;
 - b. For the generators, liquid fuel total sulfur content shall be no greater than 0.05 percent by weight; and
 - c. For any gaseous fuels used, total sulfur content shall be no more than 0.75 percent by volume.

III.D. Location and Relocation Restrictions

1. The owner or operator of a plant registered under this Permit shall not construct, locate, relocate, or operate the plant at any location at which the distance from the perimeter of the Area of Operations would be:
 - a. within one-quarter (1/4) mile of an existing recreation area, private residence, office building, school, or other occupied structure; or
 - b. within three (3) miles of a boundary of a Class I area.
2. Except as provided in Section III.F for co-locations, the owner or operator of a plant registered under this Permit shall not construct, locate, relocate, or operate a plant at any location at which the distance from the plant's dryer stack to any other particulate emitting industrial source outside the Area of Operation of this plant, not including haul roads associated with the operation of this plant, would be less than:

Plant Throughput:	Distance to other particulate emitting source:
≤ 200 TPH	½ mile
>200-300 TPH	¾ mile
>300-600 TPH	1 mile

3. The owner or operator of a plant registered under this Permit shall not construct, locate, relocate, or operate a plant at any location at which the plant would be operated:
 - a. for more than one (1) year at the same site within an air quality control region where the Prevention of Significant Deterioration (PSD) minor source baseline date has been established for PM₁₀;
 - b. in any area which has been designated non-attainment for National Ambient Air Quality Standards for particulate matter; or

- c. in any area where modeling or monitoring has demonstrated an ongoing exceedance of a New Mexico or National Ambient Air Quality Standard.

III.E. Setback of Asphalt Plant to Nearest Point of Public Access

For each of the following Capacity Throughputs, for a single plant the setback from the plant dryer stack to the nearest boundary of the Restricted Area shall be at least:

Plant Throughput	Setback
≤ 100 TPH	100 meters (109 yards)
>100 – 200 TPH	150 meters (164 yards)
>200 – 300 TPH	200 meters (219 yards)
>300 – 600 TPH	300 meters (328 yards)

For this table, setback means the distance from the HMA plant dryer stack to the nearest boundary of the Restricted Area.

III.F. Co-locations

1. A plant registered under this Permit may co-locate with another hot mix asphalt plant or aggregate crushing facility within the Property Boundary if such other source is permitted under 20.2.72 NMAC – *Construction Permits* and such permit contains conditions that require compliance with the relevant current NSPS (40 CFR Part 60, Subpart OOO or Subpart I). In no event shall an HMA plant registered under this general permit co-locate with both another HMA plant and a crusher.
2. A plant registered under this Permit may co-locate with a concrete batch plant either permitted under 20.2.72 NMAC or registered under 20.2.73 NMAC. An HMA plant may co-locate with a concrete batch plant and either another HMA plant or a crusher, but not with both another HMA plant and a crusher.
3. The owner or operator of a plant registered under this Permit shall comply with all location and relocation restrictions listed in this Permit, except that distance requirements in Section III.D.2 shall not apply to the distance between co-located plants.
4. The owner or operator of a plant registered under this Permit shall comply with the following distance requirements if co-locating with another aggregate crusher, concrete batch plant, or HMA plant:

Asphalt Plant with:	Crusher or Concrete Batch Plant	Setback
≤ 100 TPH	≤200 TPH	200 meters (219 yards)
>100 – 200 TPH	≤200 TPH	250 meters (273 yards)
>200 – 600 TPH	>200 – 600 TPH	300 meters (328 yards)

Asphalt Plant with:	Another Asphalt Plant	Setback
≤ 600 TPH	≤ 600 TPH	300 meters (328 yards)

For these tables, setback means the distance from any piece of processing equipment associated with the asphalt plant, aggregate crushing facility, or concrete batch plant to the nearest boundary of the Restricted Area.

III.G. Hours of Operation

The plant shall operate in compliance with the hours of operation stated in the registration form, provided that no plant shall operate other than daylight hours, which are defined as including those hours one-half hour following sunrise, one-half hour before sunset, and those hours in between. No plant shall operate for more than 4,380 hours per year. This limitation on operating hours does not apply to use of the hot oil heater or to the loading and/or hauling of asphalt products.

III.H. Emissions Restrictions and Conditions

1. The owner or operator shall control particulate matter (PM) emissions to the atmosphere such that emissions from the plant's dryer(s), asphalt mixer(s), baghouse(s), wet scrubber(s) and/or lime silo(s) shall each not exceed concentrations of 0.04 grains/dry standard cubic foot of particulate matter and shall not exhibit 20 percent opacity or greater. [40 CFR §60.92] Compliance with this condition shall be determined in accordance with procedures in 40 CFR § 60.11 and Reference Methods 5 & 9 in 40 CFR Part 60, Appendix A.
2. The owner or operator shall control particulate matter (PM) emissions from the plant's dryer(s) and/or asphalt mixer(s) by a baghouse (fabric filter), cyclone, and/or scrubber. Such control device shall be installed in an accessible location and shall be maintained in proper working order. The owner or operator shall:
 - a. equip baghouse(s) with a device to continually measure the pressure drop across the baghouse that meets the monitoring and recordkeeping requirements in Section IV of this Permit;
 - b. recycle baghouse fines via a closed loop system into the drum mixer or slurried to the extent necessary to prevent visible emissions of 20 percent opacity or greater. Compliance with this condition shall be determined by conducting opacity test observations in accordance with the procedures in 40 CFR § 60.11 and Reference Method 9 in 40 CFR Part 60, Appendix A; and
 - c. equip scrubber(s) with a flow meter and/or a device to continuously measure the differential pressure through the scrubber to comply with the monitoring and recordkeeping requirements of this Permit.
3. The owner or operator shall equip and operate all screens, conveyor belts, and conveyor transfer points with dust collection and control systems (i.e., water sprays, cyclone, scrubber,

baghouse) sufficiently effective to prevent particulate emissions of 20 percent opacity or greater. Compliance with this condition shall be determined by conducting opacity test observations conducted in accordance with the procedures in 40 CFR § 60.11 and Reference Method 9 in 40 CFR Part 60, Appendix A.

4. All displaced air from lime silos shall pass through a fabric filter before being vented. The fabric filter shall be 99.9 percent efficient by design and shall be kept in good repair. The owner or operator shall equip silos with audible alarms, which activate when the silo is between 90 and 95 percent full.

III.I. Haul Road Requirements

The owner or operator shall control fugitive emissions to the atmosphere from haul roads between the perimeter of the Area of Operation to the boundary of the Restricted Area by the methods listed in the table below. Other methods of haul road dust control may be used provided that they result in no visible emissions as determined by Reference Method 22 in 40 CFR Part 60 Appendix A.

Fugitive Emissions Control Requirements for Haul Roads

Number of Haul Truck Trips per day (round trip)	Haul Road Length in Miles					
	≤1/4 mile	>1/4–1/2 mile	>1/2– 1 mile	>1 - 2 miles	>2-4 miles	> 4 miles
1-90	W	W	W	W + BC	S	[Not allowed under this Permit]
>90-140	W	W	W + BC	S	P + SW	
>140-190	W	W + BC	S	P + SW	[Not allowed under this Permit]	
>190-240	W	W + BC	S	P + SW		
>240-290	W	W + BC	P + SW	P + SW		
>290-340	W + BC	S	P + SW	[Not allowed under this Permit]		
>340	W + BC	S	P + SW			

For this table:

W = Water

W+BC = Water plus base course

S = Surfactant application according to manufacturer's instructions

P+SW = Pave and sweep, no visible emissions

III.J. Other Emissions Limitations

The annual emissions from the entire plant, including fugitive sources of emissions shall not exceed the limits in the following table:

Pollutant	Emissions Limitation
Nitrogen Oxides (NO _x)	95 tons per year
Carbon Monoxide (CO)	95 tons per year
Volatile Organic Compounds (VOCs)	95 tons per year
Total Suspended Particulate (TSP)	95 tons per year
Sulfur Dioxide (SO ₂)	95 tons per year
Any one (1) Hazardous Air Pollutant (HAP)	8 tons per year
Sum of all Hazardous Air Pollutants (HAPs)	23 tons per year

For co-located plants, if the plant and the co-located source 1) belong to the same “major group” (i.e., which have the same first two digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement; 2) are under the control of the same person (or persons under common control); and 3) are located on one or more contiguous or adjacent properties, then the total emissions from the co-located plant and source shall not exceed the emissions limitations in this table. [40 CFR 52.21(b)(6)] These limits ensure that the plant will not be a major source under 20.2.70 NMAC.

III.K. Requirements for Internal Combustion Engines

This Section applies to stationary internal combustion engines (such as those that produce electricity for HMA plant equipment and operations), but does not apply to mobile sources (such as loaders, haul trucks, and other vehicles).

1. Any emissions from internal combustion engines shall not exhibit greater than 20 percent opacity. Compliance with this condition shall be determined by opacity test observations conducted in accordance 20.2.61 NMAC and Reference Method 9 in 40 CFR Part 60 Appendix A.
2. The owner or operator shall operate and maintain the equipment in accordance with manufacturer’s specifications.

Section IV. Notification, Recordkeeping and Reporting Requirements

IV.A. Notification

1. The owner or operator shall notify the Air Quality Bureau in writing:
 - a. within five (5) years of cessation of operation,
 - b. prior to making changes to the plant that affect any information on the registration form except for changes in ownership, but not including relocations [Subsection D of 20.2.72.220 NMAC],
 - c. within fifteen (15) days after change in ownership of the plant, and
 - d. within fifteen (15) days after the actual date of initial startup of the plant.
2. The owner or operator of a plant experiencing air pollution control equipment malfunctions (e.g. damaged/torn bags) shall notify the Department within twenty-four (24) hours by telephone or fax. The owner or operator shall submit written notification to the Department within ten (10) days after the start of the next business day in accordance with the notification procedures in 20.2.7 NMAC – *Excess Emissions During Malfunction, Startup, Shutdown, or Scheduled Maintenance*.

IV.B. Relocation Notification

The owner or operator shall notify the Department in writing fifteen (15) days prior to any relocation of the plant in accordance with the Department's Relocation Form. Relocated plants shall continue to meet all requirements of this Permit. Relocation shall not occur until the owner or operator has received written authorization from the Department.

IV.C. Monitoring

1. The owner or operator of any plant registered under this Permit shall perform and retain monthly six (6) minute opacity readings (see definition for Six Minute Period) for each emission point having opacity greater than zero as determined by Reference Method 22 in 40 CFR Part 60, Appendix A.
2. The owner or operator of the registered plant shall continuously monitor the differential pressure (inches of water) across the baghouse or scrubber by the use of a differential pressure gauge. A flowmeter to measure the water flow rate (gallons per minute) into the scrubber and water inlet pressure (pounds per square inch) shall also be installed.

IV.D. Recordkeeping

1. Compliance with recordkeeping requirements for this Permit shall be based on Department inspections of records and logs. The owner or operator shall make all records required in this

Section available to Department personnel upon request. The owner or operator shall retain records for at least two (2) years after collection either on-site or at a central business office. [Paragraph 2 of Subsection A of 20.2.72.220 NMAC]

2. The owner or operator shall collect and retain the following records:
 - a. actual hours of operation (e.g., beginning and end of daily operation) for each day of the operation;
 - b. records of monitoring required under Section IV.C.1;
 - c. daily asphalt production rates;
 - d. number of haul truck trips per day;
 - e. records of pressure drop across the baghouse or scrubber twice each day, once in the morning and once in the afternoon; the date and time of measurement and the name of the person making the measurement shall be included in the record;
 - f. for facilities using a scrubber as a control device, records of water flow through the scrubber twice each day, once in the morning and once in the afternoon; the date and time of measurement and the name of the person making the measurement shall be included in the record;
 - g. records of fuel sulfur content by weight percent, fuel weight per gallon, and number of gallons purchased over the course of a year, along with the cumulative annual total of SO₂ emissions resulting from the fuel oil purchased during that calendar year;
 - h. delivery or trip tickets of fuel oil purchased with the sulfur percent by weight, fuel weight per gallon and number of gallons included on the delivery ticket;
 - i. the quantity and frequency of water or surfactant application to haul roads;
 - j. the frequency of haul road sweeping (if paved);
 - k. records of equivalent haul road control measures (if used); and
 - l. copies of the manufacturer's or applicant's proposed maintenance requirements and records of performing such maintenance.

IV.E. Compliance Testing

1. Unless an initial compliance test has already been performed on this plant under another New Mexico permit, the owner or operator shall perform initial compliance tests for particulate matter and opacity in accordance with EPA Reference Methods 1-5 and 9 and the procedures for opacity in 40 CFR Part 60, Appendix A and the procedures in 40 CFR § 60.11. Unless otherwise specified by the Department, the tests shall also follow the procedures in Subpart A, General Provisions in 40 CFR § 60.8(f).

2. Compliance tests may be reimposed if inspections of the plant indicate non-compliance with the Permit conditions in Section III of this Permit or if a previous test showed non-compliance or was technically unsatisfactory.
3. Compliance tests shall be conducted within sixty (60) days of initial startup of the plant's first job in New Mexico.
4. The owner or operator of the plant shall notify the Department at least thirty (30) days prior to the test date, and shall allow a representative of the Department to be present at the test.
5. The owner or operator of the plant shall arrange a pre-test meeting with the Department at least thirty (30) days prior to the test date and shall observe the following pre-testing and testing procedures:
 - a. The owner or operator of the plant shall provide, for the Department's approval, a written test protocol at least one (1) week prior to the anticipated pre-test meeting date. The protocol shall describe the test methods to be used (including sampling locations), and shall describe data reduction procedures. Any variation from the established procedures or from plant operating conditions shall be presented for Department approval;
 - b. The test protocol and compliance test report shall conform to the standard format specified by the Department. The most current version of the format may be obtained from the Enforcement Section of the Air Quality Bureau;
 - c. The owner or operator shall provide to the Department:
 - (1) sampling ports adequate for the test methods applicable to this Permit,
 - (2) safe sampling platforms,
 - (3) safe access to sampling platforms, and
 - (4) utilities for sampling and test equipment;
 - d. Where necessary to prevent cyclonic flow in the stack, the owner or operator shall install flow straighteners in accordance with EPA Reference Method 1 in 40 CFR Part 60, Appendix A.
6. During the compliance tests, the owner or operator shall monitor and record the pressure drop (water pressure and flow rate), the fuel sulfur content, and the plant's hourly production rate. This information shall be included with the test report that is required to be furnished to the Department and shall be listed in tabular form or as part of the summary page of the test report.
7. The tests shall be conducted at 90 percent or greater of the full normal load, as stated in the registration form of this Permit, and at additional loads when requested by the Department.

- a. The test shall include the use of hydrated lime, if the plant is registered as using lime, to demonstrate compliance with the emission limits. The owner or operator may request exceptions to this loading, such as loading necessitated by operating conditions, from the Department.
 - b. The load and the parameters used to calculate it shall be recorded to document operating conditions and shall be included with the test report to the Department.
8. Stack opacity shall be determined during the compliance tests and furnished to the Department for use as a baseline data set during future compliance inspections as a comparison of plant performance versus opacity.
9. A copy of the compliance test results shall be submitted to the Department within thirty (30) days after the completion of the testing.
10. At the Department's discretion, if any of the dryers, burners, or associated control equipment is changed out or replaced, the owner or operator shall perform another compliance test following the requirements of this Section.

IV.F. Permit Posting

The owner or operator shall retain onsite and make available to the Department upon request this Permit, including the completed registration form and approval letter.

Section V. Changes that Prevent Meeting the General Permit Requirements

For those modifications for which the plant will not continue to meet the conditions of this permit after such modification, the owner or operator shall obtain a construction permit from the Department under 20.2.72 NMAC prior to the modification. [Paragraph 2 of Subsection D of 20.2.72.220 NMAC]

Section VI. Rights of the Environment Department and the Registered Installation

VI.A. Property Access and Record Review

The Department may access the plant and the nearest operations office of the plant at any reasonable time to inspect the equipment listed in the registration form and required records to ensure that the plant has operated and continues to operate according to the Permit conditions. [Air Quality Control Act, New Mexico Statutes Annotated 1978. Section 74-2-5.1A]

VI.B. Cancellation of Registration

1. No Construction. The Department may cancel registration under this Permit if the owner or operator of the plant has not notified the Department within two (2) years of approved registration that the construction or modification has begun. The Department may also cancel the registration if construction work is suspended for one (1) year.
2. End of Operation. The Department shall cancel the registration if the owner or operator of the plant ceases operation for five (5) years or more. Reactivation of any source after the five year period shall require a new permit. [Subsection A of 20.2.72.211 NMAC]

VI.C. Revocation of Registration

The Department may revoke a registration under this Permit in writing if the owner or operator of the plant has knowingly and willfully misrepresented a fact on the registration form. If the Department revokes a plant's registration, the plant may appeal to the Secretary of the Department within thirty (30) days. The Department will process appeals according to the Department's Adjudicatory Procedures, 20.1.5 NMAC.

VI.D. Appeal Procedures for Department Decisions

Any party affected by the Department's approval or denial of a registration under this Permit may appeal the Department's decision to the Environmental Improvement Board (EIB) within thirty (30) days of the decision. [Subsections F through H of 20.2.72.207 NMAC and Paragraph 5 of Subsection C of 20.2.72.220 NMAC]

VI.E. Revision of the General Construction Permit

The Department may revise this Permit pursuant to Subsection B of 20.2.72.220 NMAC in accordance with the provisions of that paragraph. Provisions include public notice, a public hearing, notification to registered sources, and a transition schedule to allow registered sources to comply with the revised Permit.

Section VII. Definitions and Acronyms

VII.A. Acronyms

CO	Carbon monoxide
CFR	Code of Federal Regulations
EIB	Environmental Improvement Board
EPA	United States Environmental Protection Agency
GCP	General Construction Permit
HAP	Hazardous Air Pollutant
HMA	Hot Mix Asphalt
NAAQS	National Ambient Air Quality Standards [40 CFR Part 50]
NAIC	North American Industrial Classification
NESHAP	National Emission Standards for Hazardous Air Pollutants [40 CFR Part 61 and 63]
NMAAQs	New Mexico Ambient Air Quality Standards [20.2.3 NMAC]
NMAC	New Mexico Administrative Code
NMED	New Mexico Environment Department
NO _x	Oxides of nitrogen
NOI	Notice of Intent
NSPS	New Source Performance Standards [40 CFR Part 60]
MACT	Maximum Achievable Control Technology
PM ₁₀	Particulate Matter with an aerodynamic diameter of 10 microns or less
PSD	Prevention of Significant Deterioration [20.2.74 NMAC]
SIC	Standard Industrial Classification
TPH	Tons per hour
VOC	Volatile organic compound

VII.B. Definitions

“Area of Operations” means the area within the Restricted Area which contains all Emissions Units and activities which may produce air contaminants, including Emissions Units and activities listed in Section I.A.3, all disturbed lands and all haul roads except the haul road between the Restricted Area and the Property Boundary. Disturbed lands include all mining areas, stockpiles, and overburden removal areas used for operation of the plant.

“Aggregate Crusher” means any facility that utilizes any combination of equipment or machinery that is used to quarry, separate, screen, combine, or crush, any nonmetallic mineral.

“Capacity Throughput” means the manufacturer’s maximum rated capacity of process equipment that is part of the plant’s operation.

“Concrete Batch Plant” means any facility used to manufacture concrete by mixing water, aggregate, and cement.

“Department” is the State of New Mexico Environment Department.

“Emissions Units” means any building, structure, equipment, facility, installation (including temporary installations), operation or portable stationary source, which emits or may emit any air contaminant.

“Fugitive Emissions” means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

“Haul Road” means any non-publicly accessible, on-site road between the plant and the nearest publicly accessible road.

“Hazardous Air Pollutants” are air pollutants that are designated as hazardous by the U.S. EPA in the Clean Air Act and listed in 40 CFR Part 61 Section 112b.

“Local newspaper of general circulation” is a newspaper in general circulation in the county or counties where the plant is or will be located.

“National Ambient Air Quality Standards” means the primary (health-related) and secondary (welfare-based) federal ambient air quality standards promulgated by the U.S. EPA pursuant to Section 112 of the federal Clean Air Act.

“Non-attainment area” is an area that has been designated by the U.S. EPA as not meeting one or more of the National Ambient Air Quality Standards (NAAQS).

“NSPS” (New Source Performance Standards) means the regulatory requirements, guidelines and emission limitations promulgated by the U.S. EPA pursuant to Section 111 of the Federal Clean Air Act and 40 CFR Part 60.

“Opacity” means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

“Owner or Operator” is any person who owns or operates a process or process equipment at the source for which coverage under the Permit has been granted.

“Property Boundary” means the outside edge of the leased property, which includes all the equipment, registered under this Permit. The property may consist of one or more continuous and adjacent properties if they are owned, leased, or under direct control of the owner or operator.

“Restricted Area” means the area to which public access is restricted.

“Stack Emissions” means emissions that are released to the atmosphere from a capture system through a stack or other point source discharge on the plant.

“Six-minute period” means any one period of the 10 equal parts of a one-hour period.